

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.
Noe ZEPEDA

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 30, 2021 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:*Code Section*

8 USC 1324

Offense Description

Knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, did transport and move and attempted to transport and move and conspired to transport and move such alien within the United States by means of transportation and otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on Affidavit

☒ Continued on the attached sheet.

/S/Brandy M. Ochoa-Hauser

Complainant's signature

Brandy M. Ochoa-Hauser, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence,

Date: November 02, 2021City and state: Laredo, Texas*Judge's signature*

Christopher Dos Santos, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

In support of Criminal Complaint

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

Noe ZEPEDA

Case Number:

On October 30, 2021, a Border Patrol Agent (BPA), was working the primary tractor trailer inspection lane of the U.S. Border Patrol Checkpoint located on IH-35 north of Laredo, Texas, in Webb County when a blue tractor truck hauling a white trailer approached the BPA's position for inspection. As the tractor truck approached the BPA's position, a BPA canine handler performed a non-intrusive free air sniff on the tractor by utilizing his service canine. The canine alerted to the presence of concealed humans and or narcotics on the rear portion of the tractor. The BPA on primary asked the driver, later identified as Noe ZEPEDA, if he was travelling by himself and ZEPEDA hesitated to answer. The BPA canine handler asked ZEPEDA if he could open the side door of the tractor to inspect the bed compartment and ZEPEDA replied, "It's locked". The BPA canine handler asked ZEPEDA if he could go through the X-Ray machine. ZEPEDA nodded his head in affirmation and drove through the X-Ray machine. The BPA on primary communicated the positive alert from the canine to the X-Ray machine operators and advised them it was only the driver in the tractor trailer. The X-Ray machine operators identified three anomalies that appeared to be concealed humans in the bed compartment of the tractor trailer. Another BPA referred the tractor trailer to secondary where ZEPEDA was detained and escorted into the checkpoint for further investigation. The three subjects found in the bed compartment of the tractor trailer, were identified as citizens of Mexico illegally present in the United States. All subjects were placed under arrest and escorted inside the checkpoint facility for further processing.

Noe Zepeda was read his Miranda Rights to which he acknowledged by signing Service Form I-214 and was willing to provide a statement. ZEPEDA stated after delivering merchandise in San Antonio, Texas, he made his way to a cold storage facility in Laredo, Texas. When he arrived, the cold storage facility was closed so he went to sleep. When he woke up, the cold storage facility began loading up his tractor. ZEPEDA left the facility at approximately 11:30 a.m. and drove to the weigh station where he got off his tractor to buy food. ZEPEDA stated when he came back to his tractor from the store, he didn't notice anything suspicious and started making his way north on IH-35. ZEPEDA stated he had no knowledge the three non-citizens were inside his tractor trailer. ZEPEDA stated the \$6,000.00 USD that were in his possession were from a monthly family collection.

Willibaldo ZAVALA-Estrada, a citizen of Mexico will serve as a material witness in the case against Noe ZEPEDA. ZAVALA-Estrada stated he made arrangements for himself to be smuggled into the United States and paid \$8,000.00 United States Dollars (USD) to an unknown person. He entered the United States illegally by crossing the Rio Grande River near McAllen, Texas approximately fifteen days ago (October 15, 2021). After crossing the river, ZAVALA-Estrada walked for multiple hours until he reached a house where he spent the night. The next day he walked to another house where he stayed until today's date (October 30, 2021). ZAVALA-Estrada stated a female who drove a Sports Utility Vehicle (SUV) transported him along with the two people he was arrested with to a gas station where few tractor trailers were parked. He stated the female driver parked near a tractor trailer, pointed, and instructed them to go inside the tractor trailer. ZAVALA-Estrada stated the doors to the tractor trailer were unlocked when he got inside of it. He hid and waited a few minutes before the tractor trailer was turned on and began moving. The driver (Zepeda) made two stops before arriving at the checkpoint. ZAVALA-Estrada stated the second stop he heard a female voice speaking in English. He stated ZEPEDA said, "Thank you" and saw him get into the tractor trailer. He was able to see the driver getting in and out of the tractor trailer through an opening where he was hiding. ZAVALA-Estrada was able to positively identify Noe Zepeda, in a six-person photo line-up, as the driver of the tractor trailer.

Noe Zepeda gave BPAs written consent for a search of his cell phone. The BPAs searched his cell phone, and it revealed a text message conversation between Zepeda and an individual dated on Friday, October 29, 2021. In the conversation, there was picture of a large amount of cash and a statement from the individual "We go to the valley (referring to The Rio Grande Valley) and pick them up".

SUBSCRIBED and SWORN to before me on

2nd day of November, 2021

Signature of Judicial Officer

/S/ Ochoa-Hauser, Brandy M. Border Patrol Agent
Signature of Complainant